



**METROPOLITAN
TRANSPORTATION
COMMISSION**

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**MTC Advisory Council
April 8, 2009
Minutes**

Cathy Jackson called the meeting to order at 12:36 p.m. In attendance were members, John Cockle, Paul Cohen, Angela Colombo, Raphael Durr, Rita Foti, David Grant, Mary Griffin, William Hastings, Richard Hedges, Julio Lacayo, Sherman Lewis, Xia-Yun Lu, James McGhee, Eli Naor, Margaret Okuzumi, Michael Pechner, and Bob Planthold. Commissioner Giacomini was also in attendance.

Rescinding, adding clarification, and possible approval of an amended version of the February 11, 2009 meeting minutes

Mr. Planthold made a motion to amend the February 11, 2009 minutes under “SB 375 Resolution”, third bullet to state “The friendly amendment to broaden the resolution to apply to the current RTP as proposed by Wendy Alfsen was not accepted because it was meant to be broad inclusive and not restrictive.”

The motion passed unanimously.

Minutes of March 11, 2009 meeting

The minutes were approved unanimously.

Public Comment

No public comment.

Staff Report

Ms. Therese Trivedi stated that an email from Ms. Therese McMillan was sent out to the Advisors regarding the extension of their terms through the end of the year. The proposal, being heard by the Legislation Committee on Friday, April 10, is to extend the terms of all three advisory committees to the end of the calendar year. The ongoing role of advisors in the development of the Transportation 2035 plan, the postponement of the plan's adoption, and the need to conduct an effective advisor recruitment were the primary reasons for the request.

Advisor Comments:

- This coincides with the election of the Chair
- Has this been considered for a permanent change - this might be a better timeframe

She also announced that the FOCUS Program has a number of upcoming forums: Cities and Schools – Best Practices for Urban Areas on April 9 at 9:30 a.m.; Development with Diversity on June 25 at 9:30 a.m., and Health in Urban Areas on July 9 at 9:30 a.m. All meetings will be held at the Port of San Francisco.

She also stated that the I-80 Corridor Summit will be held on Wednesday, April 22 at 9:30 a.m. at the University of California – Davis.

Report from the Minority Citizens Advisory Committee (MCAC); Report from the Elderly and Disabled Advisory Committee (EDAC)

Mr. John McGhee stated MCAC's Internship Committee and DBE Committee met. He also congratulated Denise Rodrigues and Teri Green on their efforts with the Business Outreach Committee.

Mr. David Grant stated that EDAC raised some questions about the end-use purposes of HOT lane revenues. EDAC also discussed the new guidelines for the New Freedom program. EDAC also passed a resolution to submit a public comment to the MTC on the RTP for T2035, asking to put a Pedestrian Plan in the text for the next time.

Legislative Update

Ms. Ellen Griffin stated that staff has been working closely with the High Occupancy Toll (HOT) Lane Executive Working Group – comprised of staff from MTC and BATA, congestion management agencies (CMAs), Caltrans, and the California Highway Patrol – to develop an agreed-upon framework for legislation (AB 744, Torrico) to authorize a regional express lane network throughout the Bay Area. She noted that AB 744 is slated to be heard in the Assembly Transportation Committee on April 20.

Ms. Rebecca Long will be presenting a set of principles to the Legislation Committee on Friday, April 10, 2009 – one of which is that the revenues need to go back to the corridors in which they are generated. They also need to consider equity including the impact on low-income users of the system.

Committee comments include:

- Would like to see what the definition of a corridor or nexus is
- Please include the MTC Legislative Update in future Advisory Council packets
- Another bill of interest is AB 338 – TIF for TOD (infrastructure financing for TOD). EDAC is working on adding language regarding their TOD work.
- How much are counties contributing? Answer: Fees are paid by drivers
- Would like to see the definition of “corridor” and “nexus” – how close will transit be to the corridor.

Update on Disadvantaged Business Enterprise (DBE) Program

Ms. Teri Green stated that they made a presentation to MTC's Administration Committee, and will be talking to MCAC next week, as well as following up with the subcontracting committee.

Ms. Green reported on significant changes to the statewide DBE program, effective June 2, 2009. She stated that at MTC's Administration Committee she requested authorization for the Executive Director to execute a new DBE implementation agreement for all local agencies

throughout the Bay Area and also to implement measures to comply with program changes for the federally funded contracts.

Ms. Denise Rodriguez commented on race-conscious goals, and stated that a contract must demonstrate good faith efforts toward achieving a stated DBE goal through proactive means to attract DBE participation in the contract. In comparison, race-neutral methods assume DBE participation will occur without a specific DBE goal or good faith effort requirement. She noted that after the court decision, Caltrans implemented a statewide wholly-raced neutral program for all federally funded contracts. Local agencies were no longer allowed to have their own DBE programs and Caltrans commenced to statewide disparity setting. During this time, staff began working with the MCAC on contracting to identify ways to achieve greater DBE and local small business participation under the race-neutral programs.

In June 2007, Caltrans finalized their statewide disparity setting and found that there was a statistically significant under-utilization of four groups: African/American, Asian/Pacific American, Native Americans, and Women. They found that Hispanic males and subcontinent asian males were at or near par. Caltrans, based on their disparity study, found that they should return to a race-conscious program to address under-utilization of those four groups and federally funded contracts. On March 4, 2009, Caltrans advised local agencies of the mandatory changes to the statewide DBE program.

Ms. Green noted that Caltrans has implemented a new statewide 13.5% DBE goal for all federally funded contracts for fiscal year 2009, which include 6.75% race neutral and 6.75% race-conscious or contracts that have stipulated goals.

In closing, Ms. Rodriguez stated that the next steps include executing the new implementation agreement, updating all procurement and contract boiler plates, and prepare the next fiscal year 2009-10 annual anticipated DBE participation level for submission to Caltrans in June.

She also summarized on some of the outreach efforts undertaken by MTC. There is a business outreach committee, which has quarterly networking or outreach events, and will be adding some training events as well. A quarterly contracting newsletter has been established, and MTC posts all information on their website along with contracting information, recently awarded contract, and upcoming contracts. There have been 15 outreach/networking events, and the next event will be on April 22, 2009 in MTC's Auditorium from 4pm – 6pm.

Mr. James McGhee thanked Ms. Green and Ms. Rodriguez for their efforts on the DBE Program as it relates to MTC's contracts. He also stated that they have made a difference in the outreach process. Mr. Raphael Durr seconded. Ms. Cathy Jackson also thanked staff for opening up the opportunity for them to participate.

Committee comments include:

- From Commissioner Giacopini – could people with disabilities be included in the program. Answer: Staff believes that the groups included are based on federal DBE definition.
- While this is a federal policy, how could changes be made to state policy/funding. Committee member answer: Proposition 209 would need to be changed for anything to happen at the state level.
- Staff could include a focus group on certification for feedback

- Teaming – would like to see the larger contracts broken down for teaming opportunities
- Would like a targeted discussion on greening business related to the \$400 million in the RTP for climate change.

Transform Presentation

Invited by the Advisory Council Land Use Subcommittee, Ms. Carli Paine, TransForm, reported on their latest transportation/land use policy initiatives, including the agency's perspective on SB 375. She stated that Mr. Ted Droettboom submitted a memo to the Joint Policy Committee (JPC) outlining a visionary approach to how the Bay Area's regional agencies should work together to achieve the goals that SB375, which sets out to link transportation and land use decision making, and investments with the goal of reducing greenhouse gas emissions.

Ms. Paine stated that they submitted a letter to JPC, which identified seven different areas that need additional work. She summarized three main areas that are of key importance: 1) issues related to transportation demand modeling; 2) Sustainable Community Strategy implementation and development; and 3) the Regional Housing Needs Assessment.

Committee comments include:

- The time is now to act on this – low cost land
- Don't pay for parking structures

Discussion to increase constituency participation with MTC

Due to time constraints, Ms. Cathy Jackson requested that committee members send her an email on ways to increase constituency participation.

Other Business/Public Comment/Announcements

There was no other business. The next meeting of the Advisory Council is scheduled for May 13, 2009. The meeting was adjourned at 1:56 p.m. for the Joint Advisors Meeting scheduled to begin at 2:00.